

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Sprint Docket No. 2284)**

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| In re Application of: |) | |
| |) | |
| Farni Weaver |) | |
| |) | Group Art Unit 2617 |
| Serial No. 10/781,609 |) | |
| |) | |
| Filed: February 18, 2004 |) | Examiner: Randy Peaches |
| |) | |
| Confirmation No. 2700 |) | |
| |) | |
| For: METHOD AND SYSTEM FOR |) | |
| PROVIDING TIMELY MESSAGE |) | |
| DELIVERY |) | |

Mail Stop Patent Ext.
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

LETTER OF CANDOR

Dear Sir:

Applicant submits this letter of candor to notify the Office of an apparent error that the Office made in computing patent term adjustment for this case as of the notice of allowance.

The patent term adjustment history on PAIR indicates that the Office awarded 279 days of additional term for the period extending from Applicant's filing of an amendment after final on May 21, 2007, to the mailing of a final rejection on June 28, 2008. Applicant assumes that the Office computed that period of time on grounds that the Office took 279 days longer than four months after the response filed May 21, 2007, before the Office mailed a next office action on June 26, 2008. This would seem to be the case based on a review of the patent term adjustment history on PAIR. However, the patent term adjustment history on PAIR is incorrect,

as it does not indicate that the Office actually mailed a new office action on November 29, 2007. Properly considering the mailing date of that office action rather than the mailing date of the subsequent office action, the pertinent term adjustment for that period should have been **just 69 days** rather than the 279 days computed by the Office.

Applicant also takes this opportunity to confirm Applicant's understanding that the Office's policy is to defer determination of "B" delay (delay under 35 U.S.C. § 154(b)(1)(B)) until the issue date is known. Therefore, Applicant understands that "B" delay need not be evaluated at this time and that there will be no waiver of any "B" days that Applicant can compute as of today.

If the Office wishes to discuss this letter of candor, the Office is invited to contact the undersigned at (312) 913-2141.

Respectfully submitted,

**McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Dated: June 4, 2010

By: /Lawrence H. Aaronson/
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